

## REMARKS

By the present amendment, Claims 1, 2, 8, 12 and 20 have been amended. Claims 1-22 remain pending in the present application. Claims 1, 8, and 12 are independent claims. Applicant respectfully requests reconsideration and allowance in view of the foregoing amendments and the following remarks.

Applicant's representative was unable to schedule a personal interview with the Examiner prior to the filing date of this amendment, and respectfully requests that action on this amendment be withheld until a personal interview has been conducted.

Claims 1-7, 12-20 and 22 are rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

Applicant respectfully submits that Claims 1-7 are directed to a physical medium with information embodied thereon as well as various combination of means plus function elements that are additional physical components, not a data format as the Examiner states. Claims 12-20 and 22 are directed to a method which is clearly statutory subject matter under 35 U.S.C. § 101.

Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 1 under 35 U.S.C. § 102(b) as allegedly being anticipated by NEMA (The NMEA FAQ, version 6.1, September 15, 1997, <http://www.kh-gps.de/nmea.faq>). Applicant respectfully traverses this rejection.

Applicant has amended Claims 1, 2, 8 and 20 to more particularly define Applicant's claimed invention in view of the prior art of record. In this regard, the term "format" has been changed to read --coordinates-- since "latitude and longitude" or "decimal equivalent" are

measurement representations more accurately defined as coordinates. Applicant respectfully submits that the amendments to the claims are fully supported by the original disclosure, and introduce no new matter therewith.

Amended independent Claim 1 recites a medium with a discrete geospatial coordinate embodied thereon, the geospatial coordinate comprising a single concatenated numeric geospatial measurement from latitude and longitude coordinates or decimal equivalent coordinates and additional spatial information.

NEMA clearly describes on page 3 that "the characters used in data block of thirty-seven bytes are printable ASCII text (plus carriage return and line feed) ... the data is transmitted in the form of sentences. Each sentence starts with a "\$", a two letter talker ID", a three letter "sentence ID", followed by a number of data fields separated by commas, and terminated by an optional checksum, and a carriage return/line feed. A sentence may contain up to 82 characters including the \$ and CR/LF".

The sentence described by NEMA separates data by commas and therefore *does not concatenate* the data from fields, but *combines the data* keeping intact the *separate textual format of the individual data* from each field. Furthermore, NEMA does not teach or specify the representation of latitude and longitude coordinates outside a computer data format and therefore cannot be used to represent latitude and longitude coordinates in a non-computer geographic coordinate representation.

It is well known that for a reference to anticipate a claim under 35 U.S.C. § 102(b) there "must be no difference between the claimed invention and the reference disclosure, as viewed by

a person of ordinary skill in the field of the invention" (see *Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991).

Applicant respectfully submits that NEMA fails to anticipate a medium with a discrete geospatial coordinate embodied thereon, the geospatial coordinate comprising a single concatenated numeric geospatial measurement from latitude and longitude coordinates or decimal equivalent coordinates and additional spatial information, as Claim 1 requires.

Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 1 under 35 U.S.C. § 102(b) as being anticipated by NMEA.

Claims 2-4, 6 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over NMEA in view of Lachinski et al. Applicant respectfully traverses this rejection.

Lachinski et al. describes how visual and spatial information is collected and processed for the formation of a geographic information database. The information collected and processed can be used to update the U.S. Census Bureau TIGER/Line files to improve the accuracy of the files. Information collected and processed can also be used to accurately determine the spatial position of an object seen in the collected visual information. The method includes the high speed collection and correlation of video images and spatial position information.

As such, Lachinski et al. fails to supplement the deficiencies of NMEA because NMEA, Lachinski et al. or any combination thereof, fails to teach or reasonably suggest, and provides no motivation whatsoever to modify the teachings thereof to provide a medium with a discrete geospatial coordinate embodied thereon, the geospatial coordinate comprising a single

concatenated numeric geospatial measurement from latitude and longitude coordinates or decimal equivalent coordinates and additional spatial information, as Claims 2-4, 6 and 7 require.

Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 2-4, 6 and 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over NMEA in view of Lachinski et al.

Claims 5, 9 and 13 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over NMEA in view of Lachinski et al. and O'Neill, Jr. et al. (U.S. Patent No. 6,141,570). Claims 8, 10-12 and 14-19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lachinski et al. in view of NMEA. Claim 20 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over NMEA in view of Faustini (U.S. Patent No. US 6,496,870 B1). Claims 21 and 22 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lachinski et al. in view of NMEA and Faustini. Applicant respectfully traverses these rejections.

O'Neill, Jr. et al. describes a wireless telephone having a wireless communication transceiver, a global positioning system (GPS) receiver, and a controller connected to both the wireless communication transceiver and the GPS receiver, wherein the controller intelligently adapts its GPS data maintenance schedule according to a unique set of indicators derived from the wireless telephone's operating conditions.

Faustini describes a system for collaborating components or objects in a visual development environment is detailed. Collaboration is effected by augmenting eligible components or objects with appropriate collaboration code and registering such components or objects with a server application designated for that purpose which resides on the same HTTP server where the applet

that spawned the components to be collaborated also resides. The server application first registers objects or components or portions thereof to be collaborated, builds a record of such links and thereafter interacts with the collaborated components or designated portions thereof to publish, unpublish or update those components and objects, or portions thereof, in accordance with the application server record.

With respect to Claim 5, Applicant respectfully submits that Lachinski et al. and O'Neill, Jr. et al. fails to supplement the deficiencies of NMEA because NMEA, Lachinski et al. O'Neill, Jr. et al., or any combination thereof fails to teach or reasonably suggest, and provides no motivation whatsoever to modify the teachings thereof to provide a medium with a discrete geospatial coordinate embodied thereon, the geospatial coordinate comprising a single concatenated numeric geospatial measurement from latitude and longitude coordinates or decimal equivalent coordinates and additional spatial information, as Claim 5 requires.

Independent Claim 8, as amended, recites acquisition means for acquiring geospatial data. The acquisition means includes encoding means for encoding geospatial data onto a data segment of a video frame at a time of geospatial data acquisition; capturing means having a geospatial receiver interconnected with a focus element at a first location, the capturing means being configured for capturing information of an entity at a second location, and geospatially referencing the second location to the first location in accordance with a focus ratio of the focus element and geospatial data associated with the geospatial receiver; and converting means for converting latitude and longitude coordinates or decimal equivalent coordinates and additional

spatial information into a single concatenated numeric geospatial data format for encoding onto a video frame at a time of media acquisition.

Independent Claim 12, as amended, recites a geospatial information processing method. The method provides latitude and longitude coordinates or decimal equivalent coordinates and additional spatial information; and converts the coordinates and other spatial information into a single concatenated numeric geospatial data format.

In order to establish a *prima facie* case of obviousness, all of the claimed limitations must be taught or suggested by the prior art, and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. *In re Vaek*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully submits that NMEA, Lachinski et al., O'Neill, Jr. et al., Faustini, or any combination thereof provides no motivation whatsoever to modify the teachings thereof to provide a medium with a discrete geospatial coordinate embodied thereon, the geospatial coordinate comprising a single concatenated numeric geospatial measurement from latitude and longitude format or decimal equivalent format and additional spatial information, as Claims 1-7 and 20 require.

Applicant respectfully submits that NMEA, Lachinski et al., O'Neill, Jr. et al., Faustini, or any combination thereof provides no motivation whatsoever to modify the teachings thereof to provide acquisition means for acquiring geospatial data as recited in independent Claim 8. The acquisition means includes encoding means for encoding geospatial data onto a data segment of

a video frame at a time of geospatial data acquisition; capturing means having a geospatial receiver interconnected with a focus element at a first location, the capturing means being configured for capturing information of an entity at a second location, and geospatially referencing the second location to the first location in accordance with a focus ratio of the focus element and geospatial data associated with the geospatial receiver; and converting means for converting latitude and longitude coordinates or decimal equivalent coordinates and additional spatial information into a single concatenated numeric geospatial data format for encoding onto a video frame at a time of media acquisition, as Claims 8-11 and 21 require.

Applicant respectfully submits that NMEA, Lachinski et al., O'Neill, Jr. et al., Faustini, or any combination thereof provides no motivation whatsoever to modify the teachings thereof to provide a geospatial information processing method as defined by independent Claim 12. The method provides latitude and longitude coordinates or decimal equivalent coordinates and additional spatial information; and converts the coordinates and other spatial information into a single concatenated numeric geospatial data format, as Claims 12-19 and 22 require.

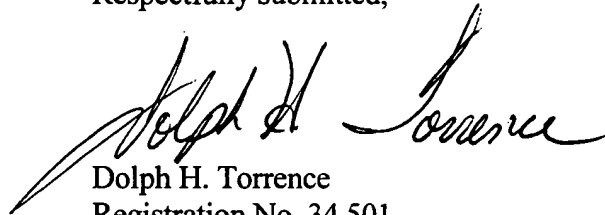
Applicant respectfully request reconsideration and withdrawal of the rejection of Claims 5, 9 and 13 under 35 U.S.C. § 103(a) as being unpatentable over NMEA in view of Lachinski et al. and O'Neill, Jr. et al. (U.S. Patent No. 6,141,570), the rejection of Claims 8, 10-12 and 14-19 under 35 U.S.C. § 103(a) as being unpatentable over Lachinski et al. in view of NMEA, the rejection of Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over NMEA in view of Faustini, and the rejection of Claims 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Lachinski et al. in view of NMEA and Faustini.

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dolph H. Torrence', written in a cursive style.

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